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REMARKS

1. Claim Objections.

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Applicant has amended Claim 1 to delete the unnecessarily added "of."

2. 35 USC 103.

10 Applicant submits herewith an amended set of claims in which Claim 1 is revised in accordance with the discussion held with the Examiner on 4 October 2006. The Examiner has taken the position that the claimed invention is unpatentable over Kempen, *et al* in view of Glatzmeier, *et al* under 35 USC 103.

15 The Examiner asserts Kempen as teaching Applicant's invention with the exception of the fixation sites defining fractional locations along an overall platform extent. During the interview, the Examiner indicated that a person skilled in the art would be able to substitute the unitary body taught by Kempen with the fractional modules of the claimed invention. To the contrary, Kempen is concerned with the use of
20 interface modules in a military vehicle for power distribution and control system distribution. While this is one aspect of the claimed invention, the claimed invention, as now framed in present set of claims, is concerned with the ability of a user to configure the vehicle with any of a plurality of modules, where each module is standardized fraction of the total length of an underlying foundation. The Examiner
25 emphasized the notion that Kempen allows the replacement of the body on chassis. What Kempen teaches, however, is quite different from that taught by Applicant. For example, in the brief summary of invention, Kempen states:

30 In yet another preferred aspect, the military vehicle is a multipurpose modular vehicle and comprises a chassis and a variant module. The variant module is mounted on the chassis, and the chassis and the variant module cooperate to provide the military vehicle with a first type of functionality. The variant module is removable and replaceable with other variant modules to form other military vehicles with other different types of functionality. Preferably, the plurality of interface modules
35 are physically and functionally interchangeable with interface modules utilized by the other variant modules.

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The foregoing makes it clear that a variant module is a single body that is mounted to the chassis. Kempen is concerned that connectors on the chassis are adapted to connect to the connectors on the body. Kempen does not teach or suggest that a plurality of fractional modules could be mixed and matched on the chassis. Kempen provides the example of a fire truck control system. Kempen also provides the example of a military vehicle. In connection with these two embodiments, Kempen discusses the needs and requirements of the interface system and focuses on how the interface system would operate for the various requirements of these two different types of vehicles. However, Kempen provides little guidance as to the variant modules discussed in the summary. In view of the discussion in Kempen, Applicant fails to see how there is any teaching to the person skilled in the art that a module vehicle may be provided comprising the vehicle platform and at least two modules as defined in Applicant's now pending claims. It would not be a simple matter of substituting a variant module of Kempen which teaches a single variant module, *i.e.* a military vehicle or a fire truck, with a plurality of modules that comprise a standardized fraction of a total area of a foundation platform, case law as suggested by the Examiner during the Interview with regard to substitution notwithstanding.

The Examiner relies upon Glatzmeier to teach fixation sites that define fractional locations along an overall platform extent. In fact, Glatzmeier teaches a self-supporting box structure that can receive a plurality of equipment boxes or compartments, with the stated objective "...to create a self-supporting box structure for a utility vehicle" which "permits a large number of embodiment variants for the equipment cab, which are then not further altered in operation.". Glatzmeier does not teach the provision of the foundation in the form of a platform that accepts a plurality of combinations of modules. The claimed invention provides fixation sites along a platform where the platform is defined as providing foundation for accepting a plurality of combination of modules. Glatzmeier does not teach a platform, but as noted above, a box structure. There are no modules in Glatzmeier that comprise a standardized fraction of the total area of the platform. In fact, neither Glatzmeier nor Kempen address the notion of a standardized fraction of a total area of a platform. Kempen merely teaches that a variant module may be attached to a chassis, the variant module comprising the entire vehicle, *i.e.* a fire truck or military vehicle.

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Glatzmeier teaches a box structure into which different equipment boxes can be placed.

5 The Examiner refers to Figure 5 in connection with Glatzmeier, taking the position that Glatzmeier provides several attachment sites that are approximate standardized fractional sizes of the total area of the platform. Applicant respectfully disagrees. Glatzmeier teaches that Figures 2-5 show "an embodiment variant of a utility vehicle 1, which in turn comprises a vehicle chassis 2 with two vehicle axles 6 and 7, which are supported on the support surface 19 by wheels 8, and a driver's cab 9 and a box structure 3." The box structures taught to comprise "a crew cab 29, and three equipment boxes or compartments 27 and 28 arranged one behind the other in the direction of the vehicle longitudinal axis 11." Applicant can find no language in connection with Figure 5, let alone anywhere in Glatzmeier, that suggests the provision of "a plurality of fixation sites along [a]... platform."

15 During the Interview, the Examiner indicated that the cabinets received within the boxes of Glatzmeier could be considered to be modules. However, it is clear that Glatzmeier is only concerned with storage cabinets that may be placed inside the boxed openings of the fixed and unalterable body. In view of the Examiner's concerns mentioned during the Interview, Applicant has made it clear that the modules provide "a unique function." Support for this amendment can be found on page 7 at line 26. It is clear that the storage cabinets of Glatzmeier are not modules that provide unique functions. Applicant also indicates that the modules are assembled to produce a vehicle suited for a particular end use. Glatzmeier cannot take the storage cabinets and put them into the openings in the box structure of Glatzmeier and change the end use of the vehicle. Applicant is of the opinion that these additional changes to the claims, further to those presented during the Interview, are sufficient to overcome any reasonable objections that may be raised with regard to a combination of Kempen and Glatzmeier.

30 Finally, Applicant remarks that the requirements of a *prima facie* showing of obviousness are not met by the current combination of references. A *prima facie* showing of obviousness may only be made upon meeting of three requirements: motivation, likelihood of success that the combination will produce the claimed

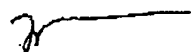
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invention, and the finding that each of the claimed elements is present in the proposed combination of references. Here, there is no motivation to combine the system of Kempen, in which an entire truck body may be replaced, with the box structure of Glatzmeier, to produce the modular vehicle of Applicant's Claim 1. In fact, each of the references teaches a unitary structure. In Kempen, the structure is an entire truck body, and in Glatzmeier the structure is a box having compartments for storage. A person skilled in the art would not be motivated to produce the modular vehicle of Claim 1 when considering the cited references. There is no likelihood of success that the proposed combination will produce the claimed invention. A person skilled in the art would not be able to take the unitary structure of Kempen and modularize it. This is not a matter of mere substitution or replacement, but significant engineering would have to be made to produce the claimed invention. For example, a plurality of fixation sites at standardized intervals (i.e. multiple sets of fixation sites) and modules of fractional sizes are necessary only to accommodate multiple simultaneous modules, and are not required for a chassis and a single module. Further, the box structure of Glatzmeier does nothing to teach the standardized modules of the claimed invention. As noted above, the combination does not teach each and every element claimed by Applicant.

In view of the foregoing, the claimed invention is considered patentably distinct from the proposed combination. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection and withdraw same and issue a Notice of Allowance such that Applicant may enjoy the benefit of Letters Patent for the herein claimed invention.

Should the Examiner consider it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn at (650) 474-8400.

Respectfully submitted,

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